

Governor's Domestic Violence Fatality Review Board (FRB) 2010 Report Executive Summary

Since the FRB's inception in 2004, it has reviewed 30 domestic violence related fatalities.

Findings:

Thirty-seven percent of the cases involved a murder/suicide homicide. Of the 30 cases reviewed, 11 perpetrators committed suicide after killing their victims. In one case the perpetrator attempted suicide but survived the attempt. In another case, the perpetrator was then killed by his ex-wife's current husband in self-defense.

Of the intimate partner homicides, the perpetrator was most commonly the victim's current spouse, followed by ex-boyfriend, boyfriend, and ex-husband.

In 46 percent of the cases the victim was in the process of leaving the perpetrator.

In 53 percent of the cases the victim and the perpetrator were living together.

In 50 percent of the cases the victim and the perpetrator had a child together.

Firearm shootings were the main cause of death (61 percent). Stabbing was the second leading cause of death (17 percent), followed by asphyxia (10 percent), blunt force trauma, strangulation, and strangulation and stabbing and vehicle crash each of which represented three percent of the cases.

Charges were filed in all of the cases except those where the perpetrator committed suicide. And all perpetrators were convicted of committing the homicide for which they were charged. The majority of the perpetrators were convicted of second degree murder (40 percent), followed by involuntary manslaughter (15 percent), voluntary manslaughter (10 percent) and first degree murder (10 percent).

The perpetrators' sentences ranged from 10 years to 40 years.

2010 Recommendations:

Law Enforcement

* All Kansas law enforcement agencies should adopt policies which promote the sharing of critical information regarding individuals on supervision with Community Corrections, Court Services and Parole Officers. Likewise, Community Corrections, Court Services and Parole should adopt policies to make sure law enforcement is aware of individuals currently on supervision.

* Law enforcement agencies should be encouraged to adopt the model domestic violence policy developed by the Governor's Advisory Council on Domestic Violence Training and approved by the Attorney General in an effort to increase victim safety and offender accountability.

* Courts should be encouraged to designate cases of criminal intimate partner violence with a unique identifying case number as suggested in Substitute for HB 2517.

* Courts should be encouraged to discontinue the practice of dismissing temporary protection orders and restraining orders and merging them into the interlocutory orders associated with divorce cases.

Children

* Promote the development of safe/secure child visitation and exchange centers in communities across Kansas reflecting a clear understanding of the dynamics of domestic violence; the impact of domestic violence on children and families; and the importance of holding batterers accountable for their actions.

* School districts should develop and adopt policies and trainings designed to aid children who live in homes where domestic violence is occurring, while at the same time support and strengthen the relationship between the child and the non-abusing parent.

* The Kansas Coalition Against Sexual and Domestic Violence should work with the Kansas Association of School Boards to develop educational campaigns about domestic violence which should be implemented across the state beginning with pre-school children.

* The Crime Victim's Compensation Board should educate law enforcement, funeral homes, and the Kansas Department of Social and Rehabilitation Services to increase awareness of compensation benefits for child survivors of domestic violence fatalities.

Employers

* The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) should develop and implement a plan to collaborate with employers in Kansas to develop and implement policies to address domestic violence in the work place.

Progress on Prior Recommendations:

Legislation

One of the FRB's recommendations for the last few years has been the passage of a domestic violence bill which will identify all domestic violence offenders who commit any criminal action. During the 2010 Legislative Session, the Kansas Legislature passed Substitute for House Bill 2517 unanimously. The bill creates a standard definition of domestic violence, requires the trier of fact to determine if a domestic violence offense was committed and to place a domestic violence designation on the criminal case. In addition, it requires assessments of domestic violence offenders and those who enter into a domestic violence offense diversion agreement, the attorney general to adopt rules and regulations regarding the assessment process and law enforcement to make changes to its domestic violence policies.

Batterers Intervention

Per the recommendations of the FRB, the Attorney General's Office has developed the oversight and approval process for those who provide services to batterers in Kansas. Eight programs were certified in 2010 and 21 new BIP programs currently are in development. The BIP unit and a multidisciplinary committee currently are creating the content for the rules and regulations regarding the assessment process as detailed in HB 2517. The initial design of the Kansas Domestic Violence Assessment is complete and is currently in the process of being piloted by existing BIP providers.

Assessment

Developing an assessment tool to ascertain the level of protection needed for victims seeking protection from abuse and protection from stalking orders was another FRB recommendation. The publication "Frequently Asked Questions about Protection from Abuse and Protection from Stalking Orders: A Guide for Victims of Domestic Violence, Sexual Assault, and Stalking" is being distributed by district court clerks, law enforcement officers, attorneys, advocates, victim-witness coordinators, and other professionals. It also has been translated and published in Spanish. A KCSDV "Guided Interview on Protection Orders" is an on-line interview designed to help victims, who do not have an advocate assisting them, learn about safety and procedural issues of Kansas protection orders. The interview can be found at: <http://www.kcsdv.org/pfa.html>. The KCSDV Advocate Guide on Mutual Orders of Protection has been published and distributed around the

state in conjunction with advocate training. A Law Enforcement Pocket Card on Kansas protection orders and enforcement has been reprinted and distributed at law enforcement trainings.

Corrections

A prior FRB recommendation was to have the Kansas Department of Corrections (KDOC) screen inmates for domestic violence at the RDU (Reception and Diagnostic Unit) and upon release from a correctional facility. Planning for safety with victims and family members should be provided prior to the release of an inmate identified with a history of domestic violence. The KDOC is planning to initiate a screening process at RDU once Substitute for HB 2517 is implemented. The KDOC Office of Victim Services (OVS) currently is working to develop and implement an imminent threat screening process in all offender release plans, which will screen for serious safety issues to automatically trigger involvement of the OVS for victims who currently are not working with OVS. The Office of Victim Services can assist with safety planning and serves as liaison between victims and parole officers who supervise offenders upon release from prison which will increase both victim safety and offender accountability.

Public Awareness

The FRB partnered with the Kansas Coalition Against Sexual and Domestic Violence (KCSDV) to implement the public awareness campaign, Believe It. Help Change It. The campaign has consisted of video and radio PSAs, billboards, newspaper ads, online ads, and establishing a website, www.HelpChangeKansas.com. The FRB hopes to continue this initiative and appreciates the work of the KCSDV on providing this important service.

The full report is online at <http://governor.ks.gov/grants-program/boards-and-councils/259>

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